

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CARINA BOUTSIKAKIS, in her individual
capacity and on behalf of others similarly
situated,

PLAINTIFFS,

-against- Case No.:

1:15-cv-05833-EK-RML

TRI-BOROUGH HOME CARE, LTD.,

DEFENDANT.

-----X
DATE: June 15, 2020

TIME: 10:23 A.M

DEPOSITION of the Plaintiff,
CARINA BOUTSIKAKIS, taken by the Defendant,
pursuant to Stipulation and to the Federal
Rules of Civil Procedure, held at the
offices of Veritext Legal Solutions, 330
Old Country Road, Mineola, New York 11501,
before Lisa O'Leary, a Notary Public of the
State of New York.

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2 A P P E A R A N C E S:

3

4 ANDERSON DODSON, P.C.

5 Attorneys for the Plaintiffs

6 11 Broadway - Suite 615

7 New York, New York 10004

8 BY: CHRISTOPHER T. ANDERSON, ESQ.

9

10 DAVID S. FRIEDBERG, ESQ.

11 Attorneys for the Defendant

12 521 5th Avenue - 17th floor

13 New York, New York 10175

14 BY: DAVID S. FRIEDBERG, ESQ.

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16

17

18 ALSO PRESENT:

19

20 ANDERSON DODSON, P.C.

21 Attorneys for the Plaintiffs

22 11 Broadway - Suite 615

23 New York, New York 10004

24 BY: PENN DODSON, ESQ.

25

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19 JACQUE RICHARDS

20 CHANTALE MICHEL

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2 F E D E R A L S T I P U L A T I O N S

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5 IT IS HEREBY STIPULATED AND AGREED by and
6 between the counsel for the respective
7 parties herein that the sealing, filing and
8 certification of the within deposition be
9 waived; that the original of the deposition
10 may be signed and sworn to by the witness
11 before anyone authorized to administer an
12 oath, with the same effect as if signed
13 before a Judge of the Court; that an
14 unsigned copy of the deposition may be used
15 with the same force and effect as if signed
16 by the witness, 30 days after service of
17 the original & 1 copy of same upon counsel
18 for the witness.

19

20 IT IS FURTHER STIPULATED AND AGREED that
21 all objections except as to form, are
22 reserved to the time of trial.

23

24 * * * *

25

C. BOUTSIKAKIS

C A R I N A B O U T S I K A K I S ,
called as a witness, having been first duly
sworn by a Notary Public of the State of
New York, was examined and testified as
follows:

EXAMINATION BY

MR. FRIEDBERG:

Q. Please state your name for the record.

A. Carina Boutsikakis.

12 Q. What is your current home
13 address?

14 A. 275 Sheldon Avenue,
15 Staten Island, New York 10312.

16 Q. Ms. Boutsikakis, you're one of
17 the plaintiffs in this action?

18 A. Yes, sir.

That will be Defendant's A.

24 (Whereupon, the aforementioned
25 document was marked as Defendant(s))

1 C. BOUTSIKAKIS

2 Exhibit A for identification as of
3 this date.)

4 Q. Are you a registered nurse?

5 A. Yes.

6 Q. And when did you become a
7 registered nurse?

8 A. Approximately six years ago,
9 six to seven years ago.

10 Q. Do you know the exact date, at
11 this point?

12 A. I do not. I'm sorry.

13 Q. And how did you acquire that
14 status, as a registered nurse?

15 A. I went to Saint Paul's School
16 of Nursing in Staten Island. I acquired my
17 associates degree.

18 I then took my NCLEX, my state
19 board exam. I passed and then I went onto
20 Chamberlain University, to acquire my
21 Bachelor's degree.

22 Q. Do you know when you first
23 contacted the defendant, Tri-Borough Home
24 Care, Inc.?

25 A. I do not recall the date.

1 C. BOUTSIKAKIS

2 Q. And was there a particular
3 division of Tri-Borough Home Care, Limited,
4 that you came into contact with?

5 A. Can you repeat the question,
6 please?

7 Q. Was there a particular division
8 of Tri-Borough Home Care, Limited, that you
9 came into contact with?

10 A. I do not recall.

11 Q. Does Family Pediatric Home Care
12 refresh your recollection?

13 A. Yes.

14 Q. And do you recall when that
15 occurred?

16 A. No, I do not.

17 Q. If I show you a writing
18 application for employment and ask you to
19 look at the first page, please.

20 A. Yes, sir. That is my writing.

21 Q. You see the date?

22 A. Yes.

23 Q. The date is what?

24 A. That would be June 8th, 2015.

25 Q. Does that refresh your

1 C. BOUTSIKAKIS

2 recollection, when you first visited with
3 Family Pediatric Home Care?

4 A. Yes, sir.

5 Q. And how did it come about, that
6 you came to that entity, Family Pediatric
7 Home Care?

8 A. I was a new nurse, straight out
9 of Saint Paul's School of Nursing.

10 I had applied to several
11 facilities. I had applied to temp
12 agencies, as well as Tri-Borough, and
13 Tri-Borough Home Care had contacted me back
14 and asked me to come in and that's how I
15 was hired.

16 Q. Do you know who at Tri-Borough
17 Home Care, had contacted you?

18 A. I do not recall the exact
19 person who contacted me.

20 I recall that I was contacted
21 by someone and I came in for an interview
22 and I was hired the same day.

23 Q. Was it a male or a female who
24 first contacted you, on behalf of Family
25 Pediatrics Home Care?

1 C. BOUTSIKAKIS

2 A. I believe a female.

3 Q. Now, is it correct you were
4 interviewed on June 8th, 2015?

5 A. Yes.

6 Q. And where did that interview
7 take place?

8 A. At the main office of
9 Tri-Borough.

10 Q. Which was where?

11 A. In Queens.

12 Q. Queens. Where in Queens?

13 A. I do not recall the exact
14 location.

15 Q. And in the course of your
16 meeting with a representative of -- was it
17 Family Care, Family Pediatric Home Care
18 that you met with or was it Tri-Borough
19 Home Care, Limited, as a general statement?

20 A. I came in as general.

21 I did not -- I applied for any
22 position as a RN and I was put into Family
23 Pediatrics.

24 I knew that there was a broad
25 spectrum of clients and I had fallen into

1 C. BOUTSIKAKIS

2 the category of Family Pediatric Home Care.

3 Q. Was that at the first meeting
4 that you had, with Tri-Borough Home Care?

5 A. Yes, sir.

6 Q. And did you provide also a
7 background of your experience, prior to
8 meeting with the representative of
9 Tri-Borough Home Care?

10 A. Yes, sir.

11 Q. And I ask you to look at page 3
12 of this writing, Defendant's Exhibit A
13 and --

14 MR. ANDERSON: Can you tell us
15 the Bates number?

16 MR. FRIEDBERG: Yes. It's page
17 3, page 3 of 69.

18 Q. We are referring to document
19 request number eight, and that's been
20 marked as Exhibit A.

21 MR. ANDERSON: Thank you.

22 Q. Would you kindly look at that
23 page.

24 Is that your handwriting?

25 A. Yes, sir.

1 C. BOUTSIKAKIS

2 Q. Were you given a form to fill
3 out, at your interview?

4 A. Yes, sir.

5 Q. And this is a form that was
6 completed by you?

7 A. Yes, sir.

8 Q. Now, when did you graduate from
9 Saint Paul's School of Nursing?

10 A. I do not remember the
11 approximate date.

12 Q. So if you look at page 2 of
13 Exhibit A, does that refresh your
14 recollection?

15 A. This does not tell me the date.
16 It only tells me my educational history.

17 Q. And is that a form that you had
18 filled out?

19 A. Yes, sir.

20 Q. That's your handwriting?

21 A. Yes, sir.

22 Q. Now, do you know when you
23 graduated from Saint Paul's School of
24 Nursing?

25 A. I would have to check my

1 C. BOUTSIKAKIS

2 documentation.

3 Q. Now, I show you page 5 of the
4 exhibit.

5 Does the information on that
6 page refresh your recollection, as to when
7 you graduated from Saint Paul's School of
8 Nursing?

9 A. Yes, sir.

10 Q. And what date is that?

11 A. December 2012.

12 Q. And when you appeared for your
13 interview at Tri-Borough Home Care, had you
14 at that time been also a student at
15 Chamberlain College of Nursing?

16 A. Yes, sir.

17 Q. And was that a school, where
18 you were physically studying?

19 MR. ANDERSON: Object to form.

20 Go ahead.

21 A. I don't understand the
22 question.

23 Q. Were you also a student, at
24 that college?

25 A. Yes.

1 C. BOUTSIKAKIS

2 Q. And where was that college
3 located?

4 A. Online education program.

5 Q. Pardon?

6 A. Online education program.

7 Q. Online.

8 Was Saint Paul's School of
9 Nursing also online?

10 A. No.

11 Q. Now, had you graduated from
12 that Chamberlain College of Nursing, at the
13 time that you were initially interviewed
14 for a position at Tri-Borough Home Care,
15 Limited?

16 A. To my recollection I believe I
17 was in the process of graduating from
18 Chamberlain.

19 Q. When did you graduate?

20 A. I do not recall the date. I
21 would have to check my notes.

22 Q. If we look at page 5 of Exhibit
23 A, you see information that would refresh
24 your recollection?

25 A. Expected graduation May 2016.

1 C. BOUTSIKAKIS

2 Q. Now, in what way would
3 Chamberlain School of Nursing have enhanced
4 your status as a registered nurse?

5 A. I was bridging from an
6 associates degree, to a Bachelor's degree.

7 Q. And what would that have
8 entailed, in the course of your studying?

9 MR. ANDERSON: Object to form.
10 Go ahead. Answer, if you know.

11 A. A more rigorous form of
12 nursing.

13 I would get more opportunities
14 with a Bachelor's degree.

15 I'm not really sure what
16 else --

17 Q. Would you have supplemented any
18 portion of your education, that you
19 acquired at Saint Paul's School of Nursing?

20 A. It just furthered my degree.

21 Q. And in what respect?

22 A. A Bachelor's degree in nursing
23 is just a further -- to further my nursing
24 degree.

25 I'm not understanding your

1 C. BOUTSIKAKIS

2 question exactly. I'm sorry. I apologize.

3 Q. Don't apologize.

4 What additional education would
5 you have acquired studying online, at
6 Chamberlain College of Nursing?

7 MR. ANDERSON: Object to form.

8 Go ahead. Answer.

9 A. It was more in depth of nursing
10 practice, procedure and protocol and my
11 interest was to learn more of not only
12 science, but also personally.

13 I wanted to further my degree.
14 I needed to know every aspect of nursing,
15 not just the basics, that were standard for
16 the state.

17 Q. And how were the courses
18 conducted online, to your recollection?

19 A. To my --

20 Q. At Chamberlain College of
21 Nursing.

22 A. To my recollection the courses
23 I took online were over the course of
24 several weeks, online forums, homework
25 every week, discussions with the classroom

1 C. BOUTSIKAKIS

2 online and discussions with the professor
3 that was teaching.

4 Q. How many hours a week, if you
5 recall, would you have been studying at
6 Chamberlain College of Nursing?

7 A. I cannot approximate that at
8 this time, I cannot.

9 Q. Now, you had graduated from
10 Saint Paul's School of Nursing in December
11 2012 and if we look at page five of the
12 document we identified --

13 A. Yes, sir.

14 Q. -- does that accurately
15 describe what you did between your
16 graduation as a nurse and your interview
17 with Tri-Borough Home Care?

18 MR. ANDERSON: Object to form.

19 A. Yes, sir.

20 Q. Now, you understand that you
21 graduated in December 2012 and you were
22 working as an office manager for Godfrey
23 Propeller Adjusting Corporation from
24 September 2004, to the present.

25 That was the date that you

1 C. BOUTSIKAKIS

2 appeared for your interview?

3 A. Yes, sir.

4 Q. Now, how many hours a day did
5 you spend at that entity?

6 A. Prior to -- which dates are you
7 referring to? Because I have worked there
8 for quite some time.

9 Q. From the date that you
10 interviewed with Tri-Borough Home Care.

11 MR. ANDERSON: Object to form.

12 A. Full time.

13 Q. Full time.

14 Was Saint Paul's School of
15 Nursing, a night school?

16 A. They had both day and night
17 sessions. I participated in both day and
18 night sessions.

19 Q. And at the same time you were
20 managing day to day operations for Godfrey
21 Propeller Adjusting Corporation?

22 A. Yes, sir.

23 Q. Now, that was from September
24 2004, to the date that you interviewed, was
25 June 8th, 2015?

1 C. BOUTSIKAKIS

2 A. Yes, sir.

3 Q. And what did you do there?

4 A. I balanced the general ledger.

5 I performed general bookkeeping.

6 I participated in expanding the
7 corporation, managing day-to-day
8 operations, which included -- it was
9 Godfrey Propeller Adjusting Corporation, so
10 I coordinated ships coming in, propellers
11 coming off and propellers coming to my
12 shop. I managed.

13 Q. Propellers? These are maritime
14 propellers?

15 A. Yes, sir.

16 Q. And is it fair to say, that was
17 a full time job?

18 A. Yes, sir.

19 Q. Also you list that you worked
20 for Anthem, Incorporated?

21 A. Yes, sir.

22 Q. And that was from March 2015,
23 to May?

24 A. Yes, sir.

25 Q. What was Anthem? What was the

1 C. BOUTSIKAKIS

2 nature of Anthem's business?

3 A. Anthem is a Blue Cross/Blue
4 Shield entity.

5 Anthem is owned by Blue Cross/
6 Blue Shield and under Anthem I was a HEDIS
7 registered nurse.

8 Q. And what is that? What is a
9 HEDIS registered nurse?

10 A. I -- to explain it, I collected
11 data, evaluated and audited medical charts.

12 Q. Collected data, from medical
13 charts?

14 A. From office -- doctors, I
15 collected medical charts.

16 I reviewed them and audited for
17 Blue Cross/Blue Shield, which was also a
18 Medicare/Medicaid corporation.

19 Q. When you say audited, what
20 types of work did that entail?

21 A. Medical chart review.

22 There are certain measures that
23 need -- that states what doctors need to --
24 doctors need to follow guidelines, for
25 state and federal regulations.

1 C. BOUTSIKAKIS

2 HEDIS nurses collect data,
3 audit and make sure that doctors are
4 complying.

5 Q. At the same time you were still
6 managing day-to-day operations, for Godfrey
7 Propeller Adjusting Corporation?

8 A. Yes, sir.

9 Q. How did you manage both, to be
10 at both companies?

11 MR. ANDERSON: Object to form.

12 A. I managed both. I performed
13 well, doing both. I maintained both very
14 well and I did well in my occupations.

15 I'm not sure what the question
16 entails, other than -- what are we actually
17 asking here?

18 Q. Did you have an office, with
19 Anthem, Incorporated?

20 A. Anthem was at 60 Wall Street.

21 Q. And Godfrey Propeller Adjusting
22 Corporation was located where?

23 A. 40 Van Street.

24 Q. 40 --

25 A. 40 Van Street, Staten Island,

1 C. BOUTSIKAKIS

2 New York.

3 Q. Given a day, any day, how did
4 you manage the daily operations of Godfrey
5 Propeller Adjusting Corporation in Staten
6 Island and still be at the office of
7 Anthem, Incorporated?

8 MR. ANDERSON: Object to form.

9 A. My hours for Godfrey Propeller
10 were 24 hours.

11 My hours for Anthem, were set
12 hours.

13 I was to collect data or I was
14 to audit charts and I would manage each day
15 according to Anthem and I would work around
16 with Godfrey Propeller.

17 Q. If I ask you to look at page
18 five further and look at Tallen Technology
19 Rentals.

20 A. Yes, sir. Yes, sir.

21 Q. And it says you were logistics
22 coordinator?

23 A. Yes.

24 Q. Now, you list Tallen Technology
25 Rentals as Iselin, New Jersey.

1 C. BOUTSIKAKIS

2 A. Yes, sir.

3 Q. Were you there?

4 A. Yes, sir.

5 Q. And that was 2014, January, to
6 June 2014?

7 A. Yes, sir.

8 Q. And at the same time you were
9 employed by Godfrey Propeller Adjusting
10 Corporation?

11 A. I would have to check my
12 records.

13 Q. Isn't that what your statement
14 provides?

15 A. Yes, yes.

16 Q. Where is Iselin, New Jersey
17 geographically or is it Iselin?

18 A. It's located central New
19 Jersey.

20 Q. And what was the nature, of
21 that entity?

22 What type of business did that
23 entity perform?

24 A. Third party booking. We were
25 the middleman between a corporation wanting

1 C. BOUTSIKAKIS

2 an event to happen and equipment we
3 acquired for the corporation to hold the
4 event.

5 We provided those -- that
6 equipment.

7 Q. If we look at your activities,
8 as you list them, since graduating from the
9 nursing school, Saint Paul's School of
10 Nursing, what nursing activities did you
11 perform?

12 A. Anthem, Incorporated.

13 Q. Pardon?

14 A. Anthem, that is a reg -- you
15 have to be a registered nurse, in order to
16 be a HEDIS registered nurse.

17 Q. That was review of records,
18 wasn't it?

19 MR. ANDERSON: Object to form.

20 A. You are only allowed to review
21 records, if you are a registered nurse.
22 That is a HIPAA violation, if you are not.

23 Q. And that was, that was the
24 nature of your activities; is that correct?

25 A. Yes, sir.

1 C. BOUTSIKAKIS

2 Q. There was no contact with a
3 particular patient at that time, was there?

4 A. Doctor McCormick & Associates
5 in Linden, New Jersey from March 2012 to
6 2000 -- June 2012, which I state in my
7 resume, I dealt with patients, only
8 patients.

9 Q. With Doctor McCormick in
10 Linden, New Jersey, you were present from
11 March 2012 to June 2012?

12 A. Hmm-hmm.

13 Q. And you graduated from Saint
14 Paul's School of Nursing, in December 2012?

15 A. Yes, sir.

16 Q. Subsequent to December 2012,
17 did you perform any nursing activities,
18 dealing with patients themselves?

19 A. At Doctor McCormick &
20 Associates, as it states in my resume, I
21 assisted in patient care.

22 Q. Well, that was while you were
23 still a student at Saint Paul's School of
24 Nursing, am I correct?

25 A. Yes, sir.

1 C. BOUTSIKAKIS

2 Q. So the question was after you
3 graduated from Saint Paul's School of
4 Nursing, did you perform any nursing
5 activities, dealing with actual patients?

6 A. I would have to look at my
7 records, based upon my volunteering, not
8 just my paid professional experience, as
9 you can see at the bottom.

10 Q. What years did you perform
11 nursing experience, listed at the bottom of
12 that page?

13 A. I do not recall the exact dates
14 of Mr. Justin LaGrece's (phonetic)
15 Foundation For Camp Hope in Life. I was a
16 registered nurse at the time and I did
17 assist in registered nurse -- as a nurse I
18 helped in Camp Hope in Life, at their
19 facility.

20 Q. What activities did that entity
21 perform?

22 A. A camp nursing counselor.

23 MR. ANDERSON: Objection to
24 form.

25 Q. What activities did that entity

1 C. BOUTSIKAKIS

2 you described perform?

3 A. Camp nursing counselor.

4 Q. Camp nursing counselor?

5 A. Yes, sir.

6 Q. And what was the name, of that
7 entity?

8 A. This is Camp Hope in Life, for
9 use with HIV or family members affected
10 with HIV.

11 Q. And where was that camp
12 located?

13 A. The facility itself is in
14 Staten Island. The camp was in New Jersey.

15 Q. And where did you perform
16 services for Camp Hope in Life?

17 A. The exact location I do not
18 recall.

19 I would have to look at my
20 notation, for the exact location.

21 Q. What was the nature of Camp
22 Hope in Life's activities?

23 A. Nursing and counseling.

24 Q. For whom?

25 A. For the youths that attended

1 C. BOUTSIKAKIS

2 Camp Hope in Life.

3 Q. And what were the age groups,
4 of those youths?

5 A. Teens.

6 Q. Teens?

7 A. Teenagers.

8 Q. What was the reason, that they
9 would enroll in Camp Hope in Life?

10 MR. ANDERSON: Object to form.

11 Q. The purposes of Camp Hope in
12 Life?

13 A. Camp Hope in Life is an
14 organization that provides stability and
15 nurturing, of youths who are affected by
16 HIV or AIDS, and as the organization we
17 provided them with counseling services and
18 a way to de-stress I'd say.

19 Q. Were these youths affected with
20 HIV AIDS?

21 A. Some were, yes.

22 Q. And were your activities
23 counseling, of those youths?

24 A. Yes, sir.

25 Q. Did you provide any medical

1 C. BOUTSIKAKIS

2 care, as a nurse?

3 A. Yes, sir.

4 Q. What, to your recollection?

5 A. To my recollection it was the
6 camp, so we were in the woods.

7 There were ticks. Some of them
8 needed to be treated. I removed the tick,
9 placed it in the specimen cup and sent it
10 out.

11 Other than that, I assisted the
12 youths with their daily medications and of
13 regular nursing or counseling services.

14 Q. And what period of time are we
15 discussing, when you speak of Camp Hope in
16 Life?

17 A. During the time of my
18 associates degree, from my associates
19 degree to my certification.

20 Q. So is it after you graduated
21 from Saint Paul's School of Nursing or
22 during -- as a student of Saint Paul's
23 School of Nursing?

24 A. I would have to check my
25 records, sir. I do not recall the exact

1 C. BOUTSIKAKIS

2 dates.

3 I'm sorry.

4 Q. It's okay.

5 When you were first interviewed
6 at Tri-Borough Home Care, Limited, were you
7 then referred to its division Family
8 Pediatrics Home Care, at the time that you
9 were interviewed?

10 A. At the time I was interviewed,
11 I was coming into Tri-Borough, unaware
12 there was a family division, and I was
13 introduced the same day to that division
14 and hired on the spot same day.

15 Q. How did that come about, as you
16 recall?

17 A. As I recall I came in with my
18 resume, my certification, my Saint Paul's
19 School of Nursing Degree, a copy of my
20 degree and I sat down for an interview and
21 they hired me.

22 Q. When you say they hired you,
23 did the interviewer explain to you the
24 activities of Family Pediatric Home Care?

25 MR. ANDERSON: Object to form.

1 C. BOUTSIKAKIS

2 A. I have trouble answering this
3 question, only because this was a very
4 confusing interview and introduction into
5 family pediatrics.

6 I was both hired and trained,
7 on the same day that I interviewed.

8 As I said, I did not know that
9 I was being hired into the family division,
10 but I was hired and I was interviewed,
11 hired and educated all within a very short
12 span of time.

13 Q. The same day?

14 A. Yes, sir.

15 Q. When you say hired, what was
16 explained to you about Family Pediatrics
17 Home Care, if anything?

18 A. It was limited.

19 Q. To the best of your
20 recollection, what was -- what do you
21 recall?

22 A. A pamphlet.

23 Q. What?

24 A. A pamphlet, a basic protocol.

25 Q. When you say a pamphlet, you

1 C. BOUTSIKAKIS

2 were given a pamphlet?

3 A. I was not given. I was -- I
4 received and they took back the pamphlet,
5 once we read it over.

6 Q. Did they ever allow you to keep
7 it?

8 A. I requested through
9 Mr. Kallecourt, a copy of protocol. I
10 requested from Ms. Thompson, a copy of
11 protocol.

12 I was never given a copy of
13 said protocol.

14 Q. If we refer to the same Exhibit
15 A, and I direct your attention to page 23
16 of 69, receipt for employee handbook,
17 kindly look at that writing.

18 A. Yes, sir.

19 Q. Is that your signature?

20 A. Yes, sir.

21 Q. Does it say that you received
22 it?

23 A. Yes, sir, I did receive it. I
24 was not allowed to bring that home.

25 Q. Who told you, that you couldn't

1 C. BOUTSIKAKIS

2 take it home?

3 A. The day of my interview I was
4 interviewed, I went through education and
5 hiring.

6 They did not have a copy for
7 me. I was supposed to receive said copy
8 and as I previously stated, I asked both
9 Ms. Thompson and Mr. Kallecourt for
10 protocol and the handbook and I never
11 received it.

12 Q. When you asked for it, was it
13 at the interview or subsequent to the
14 interview?

15 A. At the interview, as well as
16 after.

17 Q. Did you read the handbook,
18 while you were at the interview?

19 A. You could not get through the
20 handbook.

21 Q. Your statement that you signed
22 for it, you had it in your hand and then
23 you asked to return it?

24 Is that your statement?

25 A. My statement is I received the

1 C. BOUTSIKAKIS

2 handbook. We briefly reviewed it. It was
3 taken back from me.

4 I asked for a copy. I was told
5 I would receive one. I never did.

6 MR. FRIEDBERG: I'm going to
7 ask that the employee handbook be
8 marked as exhibit B, and it bears
9 your own filing.

10 MS. DODSON: For the record
11 document 10915, our Bates stamp 175
12 through 198.

13 (Whereupon, the aforementioned
14 document was marked as Defendant(s)'
15 Exhibit B for identification as of
16 this date.)

17 Q. If you look at that writing
18 that's before you --

19 A. Yes, sir.

20 Q. -- is that a copy of what was
21 given to you, at the interview?

22 MR. ANDERSON: Object to form.

23 A. Not the exact way that it
24 was -- I don't remember this particular.

25 I believe this is just a copy

1 C. BOUTSIKAKIS

2 of it. This wasn't the original, from what
3 I had seen.

4 Q. I'm not saying original, but is
5 it a copy of the document that you actually
6 received at the interview?

7 A. I would have to review it.

8 Q. Well, take your time.

9 A. Okay.

10 A. Though it was printed in
11 2017 --

12 Q. Does it say --

13 A. -- the file date is 2015.

14 These are legal documents, so I
15 cannot confirm or deny.

16 Q. Let me explain what you're
17 looking at.

18 A. (Handing).

19 Q. As of 2017, the dates that were
20 filed, I believe, in court by your counsel.

21 A. I understand that.

22 Q. But I'm showing you the
23 document itself and asking you if this --
24 if your recollection is refreshed, by
25 looking at the document?

1 C. BOUTSIKAKIS

2 A. To a certain extent, yes.

3 Q. Take your time.

4 A. As I have stated previously, I
5 was not given the opportunity to go through
6 the employee handbook personally and
7 thoroughly.

8 So therefore I cannot give you
9 that statement of a yes or no, based on the
10 fact that I --

11 Q. Did you ever make a demand of
12 that document, in writing?

13 A. Yes, sir.

14 Q. And was it in writing? Was it
15 an email or a letter?

16 A. Yes, sir, in an email to
17 Mr. Kallecourt.

18 Q. But you're saying that you
19 actually demanded a copy or requested a
20 copy, sometime subsequent to the date of
21 your interview and you did it how?

22 A. By email and also on the phone
23 through the corporation.

24 I do not recollect who I
25 contacted exactly and at that time when I

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2 was trying to get, obtain a copy of the
3 employee handbook, I don't know who exactly
4 at first I was trying.

5 I know that I contacted the
6 company, my supervisor, Ms. Thompson.

7 Q. Ms. Thompson, okay.

8 How did you contact her? How
9 did you contact her?

10 A. My first meeting with my
11 supervisor, was at the home of our client,
12 which is what we call our patient, and I
13 asked for the employee handbook that day.

14 Q. And --

15 A. I requested again to her
16 another copy, again of -- not another copy.
17 I requested same said copy repetitively
18 both through text message, by phone and in
19 person.

20 Q. Did you ever send an email?

21 MR. ANDERSON: Object to form.

22 A. To Ms. Thompson, I don't
23 recall.

24 Q. Did you send an email to
25 Mr. Kallecourt?

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2 A. Yes, I did.

3 Q. I wanted to refer you to, if
4 you look at that writing before you.

5 A. Yes, sir.

6 Q. And if you turn to page 12 of
7 24.

8 A. Yes, sir.

9 Q. It refers to compensation and
10 benefits. That's the title, compensation
11 and benefits.

12 A. My page 12 states criminal
13 background screening, in-service
14 education --

15 Q. Page 12.

16 A. I'm reading the bottom. I'm
17 sorry.

18 Q. That's all right. Don't worry.
19 So the bottom would be 9, page
20 9.

21 A. Okay. I apologize.

22 What am I looking for, sir?

23 Q. Did you read it?

24 Did you read that portion, at
25 the time that you were interviewed?

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2 A. No, sir.

3 Q. Did you read that portion at
4 anytime, while you were employed by Family
5 Pediatric Home Care?

6 A. No, sir.

7 Q. Was it ever explained to you at
8 that initial meeting, when you were hired
9 or anytime, the procedure that compensation
10 depended on your submitting nurse's notes?

11 Read it carefully. Take your
12 time. Take your time, please.

13 A. I understand you stating, to
14 take my time.

15 However, we did not take our
16 time in my interview process. So therefore
17 for me to --

18 Q. At --

19 MR. ANDERSON: Let the witness
20 finish answering the question,
21 please.

22 A. -- for me to go through the
23 compensation section of this employee
24 handbook, after the fact, is irrelevant, I
25 feel.

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2 Q. Well, was it ever explained to
3 you, that you would be paid, only after you
4 submitted nurse's notes?

5 MR. ANDERSON: Object to form.

6 A. I knew that I had -- I knew
7 that I needed to submit my nurse's notes,
8 in order to be paid.

9 That's the extent of my
10 knowledge of the compensation. So
11 therefore I didn't know times. This
12 mentions dates, times.

13 All I know is I call in, when I
14 come in. I call out, when I leave and I
15 send in my notes.

16 That's the extent of what I was
17 told to do, when I --

18 Q. And that you would be paid,
19 after the notes were received?

20 A. Yes, sir.

21 Q. When did you learn of that
22 procedure?

23 MR. ANDERSON: Objection to
24 form.

25 A. Unfortunately I was made aware

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2 of my compensation, as I went. It was very
3 brief during the educational process, on
4 the date of hire.

5 Therefore I don't know -- we
6 never went through the entire -- I mean
7 there are several paragraphs. We never
8 went -- it was a short sentence, compared
9 to several paragraphs. So...

10 Q. Do you know of that procedure,
11 on the day that you began actually caring
12 for the patient?

13 A. Did I know that I was supposed
14 to hand my notes in?

15 Is this the question you're
16 asking?

17 Q. Yes.

18 A. Of course, yes.

19 Q. And that you would be paid,
20 after your notes were handed in?

21 A. Yes, sir.

22 MR. ANDERSON: Object to form.

23 Q. Thank you.

24 Look at the last page of that
25 writing that you have, page 24 of 24.

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2 A. Yes, sir.

3 Q. And it's entitled clinical
4 records.

5 A. Yes, sir.

6 Q. And were you aware of the
7 requirement that records of the patient's
8 care shall be maintained, within the
9 patient's home?

10 A. Yes, sir.

11 MR. ANDERSON: Object to form.

12 Q. That's what I read from the
13 document itself.

14 Are you aware of that
15 requirement?

16 MR. ANDERSON: Object to form.

17 A. Yes, sir.

18 Q. Looking at that page, clinical
19 record, is there anything that you were not
20 aware of, when you first began treating a
21 patient?

22 MR. ANDERSON: Object to form.

23 A. Can you please repeat? I'm
24 sorry.

25 Q. Looking at that page listing

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2 the documentation required, was there
3 anything there that you were not aware of,
4 when you first began treating the patient?

5 A. No.

6 Q. Now, was it explained to you,
7 when you were first hired, how you would
8 record your time, in the care and treatment
9 of a patient?

10 MR. ANDERSON: Object to form.

11 A. Yes.

12 Q. And what was explained to you?

13 A. I was to call from the
14 patient's home, from their, from their
15 home, not from my personal cell phone or --
16 that was not allowed.

17 It had to be the patient's
18 home, whether it be their home telephone or
19 their -- the patient's mother's cell phone,
20 I needed to record the time by that.

21 So I clocked in, by calling the
22 number. I clocked out, by calling the
23 number as well.

24 Q. Now, did you also record your
25 time on your nurse's notes, when you came

1 C. BOUTSIKAKIS

2 in and when you left?

3 A. Yes, sir.

4 MR. ANDERSON: Object to form.

5 Q. Was there any difference in the
6 time when you clocked in and clocked out
7 and when you entered the time of treatment
8 and the time you left?

9 Was there any difference in the
10 time?

11 MR. ANDERSON: Object to form.

12 A. Yes, sir.

13 Q. What was the difference?

14 A. If I come in to treat a
15 patient, my main objective is to treat a
16 patient.

17 My oath as a nurse is to put
18 the patient first and I always did.

19 So, therefore, if a patient
20 needed service, I came in. I completed
21 said service and if I needed to clock in
22 later, I would explain to my supervisor or
23 try to, and I would note on my own
24 documents the exact time I was there and I
25 don't know what -- you know, sometimes it

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2 didn't always correlate.

3 If I came into a home, I know
4 I'm supposed to -- this was the problem. I
5 was coming into the patient's home and I
6 know I needed to call, but I know when I
7 got there, there may have been a lapse in
8 time. I was always there early.

9 I always performed my duties
10 and I know the first thing to do was to
11 call.

12 However, if I needed to do
13 something and a patient was in distress,
14 that was my main concern.

15 Q. So on the nurse's notes it
16 states the time began, would that be
17 entered immediately upon your treatment of
18 the patient?

19 MR. ANDERSON: Object to form.

20 A. I recall carrying my own
21 booklet and writing down a time, as I
22 entered the house, and that's how I would
23 begin with my notation, when I was able to.

24 So I would come into a home.

25 If I was able to call in first, that's

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2 exactly what I would do.

3 If the child needed service, as
4 soon as I entered the home, straightaway I
5 would perform my nursing duties.

6 Q. What about the time that you
7 indicated on your nurse's notes, when you
8 did enter that time, as to when you started
9 and when you ended?

10 MR. ANDERSON: Object to form.

11 A. I jotted down just when I
12 parked my car.

13 I would write down the exact
14 time that I was entering the home and then
15 I would start my notes, as soon as I was
16 able to.

17 Q. So I understand the notes
18 reflected, when you first parked your car?

19 A. No.

20 I'm saying I park my car. I
21 was able to get out of the car and as I
22 walked into the house, that was the first
23 thing I wrote down.

24 I looked at my watch. I always
25 had a watch and I wrote down the time that

1 C. BOUTSIKAKIS

2 I walked into that home.

3 Q. When did you start your
4 treatment?

5 When did you indicate, when did
6 you indicate the time that you started the
7 treatment of the patient?

8 MR. ANDERSON: Object to form.

9 A. It varied.

10 Q. Varied, as to what?

11 A. As to the patient's needs.

12 Q. In this case you were dealing
13 with a patient; is that correct?

14 A. Yes, sir.

15 Q. And, by the way, that patient
16 is, am I correct, the first patient you
17 ever had as a registered nurse?

18 A. Yes, sir.

19 Q. And so we're dealing with a
20 patient and when -- the question is with
21 this patient that you were assigned to,
22 when did you enter the time that you began
23 treatment?

24 MR. ANDERSON: Object to form.

25 A. I'm not understanding this

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2 question.

3 Q. Is there a place on the nurse's
4 notes, for start time and end time?

5 MR. ANDERSON: Object to form.

6 A. I believe so, yes.

7 Q. So when did you put the start
8 time?

9 MR. ANDERSON: Object to form.

10 A. When I performed my duty, not
11 when I walked into the house.

12 Q. Now, did you clock in, before
13 you performed your duties?

14 MR. ANDERSON: Object to form.

15 A. That question is irrelevant.

16 I don't see the relevance in --

17 Q. Relevant or not, it's for
18 somebody else to determine.

19 A. I don't understand the
20 question. I'm sorry.

21 Q. When did you clock in --

22 MR. ANDERSON: Object to form.

23 Q. -- physically?

24 MR. ANDERSON: Object to form.

25 Q. With respect to this particular

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2 patient, what was your practice?

3 A. My practice was I had a
4 patient, that I would come into the home.
5 The patient was still connected to
6 dialysis, that I had hooked up from the
7 night before.

8 So if I had to come in and the
9 patient, which was, she was a baby and if
10 the child needed my attention very quickly,
11 because she was awake, I was not picking up
12 a phone and dialing a number and then going
13 to see her.

14 I was straightaway going to
15 that patient and performing my duty, with
16 protocol.

17 Q. When you started performing
18 your duties, did you indicate on your
19 nurse's notes, when you started to perform
20 those duties?

21 MR. ANDERSON: Object to form.

22 A. Yes.

23 Q. And what record did you have,
24 to indicate the start time?

25 MR. ANDERSON: Object to form.

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2 A. My nurse's documentation.

3 Q. So was that entered as you were
4 performing your duties, in the care of that
5 patient?

6 A. Can you repeat the question?

7 Q. When you entered the time you
8 started treatment on the nurse's notes,
9 when did you enter that time?

10 MR. ANDERSON: Object to form.

11 A. I entered the time, when I
12 performed my duty. I'm not exactly sure.
13 I don't understand the question. I'm
14 sorry, sir.

15 Q. Did you make a note, of the
16 time that you started performing your
17 duties?

18 A. Yes, sir.

19 Q. And how did you make a note --

20 MR. ANDERSON: Object to form.

21 Q. -- physically?

22 A. I jotted it down.

23 Q. And then when you prepared your
24 notes, was it based on the notes that you
25 had jotted down?

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2 A. Of course.

3 Q. And was that time different,
4 from the time that you actually called in
5 and clocked in or out to your employer?

6 MR. ANDERSON: Object to form.

7 A. Sometimes yes.

8 Q. And what was the reason for
9 that?

10 A. As I previously stated, if a
11 patient was in -- needed emergent care, my
12 professional duty was to that patient.

13 I took an oath. I swore an
14 oath and I needed to abide by that.

15 A baby in distress is much more
16 important than a phone call and I will
17 stand by that.

18 Q. And is it correct that the time
19 that you began treating the patient, is
20 based upon actual time that you entered
21 into your notebook?

22 MR. ANDERSON: Object to form.

23 A. My time of treatment, was what
24 I documented in my notation.

25 The phone call may have been

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2 within a different time span.

3 If it was extreme, I would
4 inform my supervisor.

5 Other than that, I don't know
6 how else to answer this question.

7 Q. When you say extreme, how do
8 you, how do you interpret the word extreme?

9 A. Extreme is I have a newborn,
10 actually a 17 month old on dialysis.

11 Coming into a home with a 17
12 month old on dialysis treatment, if that
13 child was awake, my first duty was to go to
14 her and make sure she was okay, safe and
15 all sterile technique was taken care of.
16 Picking up a phone, as opposed to
17 sterilizing and treating the patient, I
18 mean these are two different things.

19 When I had asked my supervisor
20 of that lapse, I got no response.

21 Q. Who was your supervisor?

22 A. Ms. Thompson.

23 Q. Do you know her first name?

24 A. I do not. I do not recall.

25 I was very professional. I

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2 only knew Mr. Kallecourt, because it was in
3 his email. I never met him personally.

4 Q. And is it fair to say that the
5 entry of the time that you started
6 treatment, is more accurate than that of
7 clocking in and clocking out?

8 MR. ANDERSON: Object to form.

9 A. Are you asking me if my
10 notation, is more accurate than the calls?

11 Q. Yes.

12 A. Yes, of course.

13 Q. The first day was June 8th,
14 2015.

15 That was the day that you were
16 interviewed. Is that correct, based on --

17 A. Yes, sir.

18 Q. And you were on that date, your
19 statement, you were assigned to Family
20 Pediatric Home Care?

21 A. Yes, sir.

22 MR. ANDERSON: Object to form.

23 Q. Was it explained to you what
24 was the nature of Family -- what was the
25 activities of Family Pediatric Home Care,

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2 which would be asked of you as a registered
3 nurse?

4 MR. ANDERSON: Object to form.

5 A. What was asked of me, was very
6 broad.

7 So for me to respond to that
8 question, I can't give you specifics. I'm
9 sorry.

10 Q. Did anyone explain to you, that
11 you would be a private duty home care
12 nurse?

13 MR. ANDERSON: Object to form.

14 A. I was told I would be a private
15 duty registered nurse.

16 Q. What is a private duty
17 registered nurse?

18 A. A registered nurse, as opposed
19 to a home health aide, is able to perform
20 duties on a higher level, such as what I
21 did, which was dialysis treatment, wound
22 care, medication administration.

23 Those are the things that
24 registered nurses do.

25 Q. But --